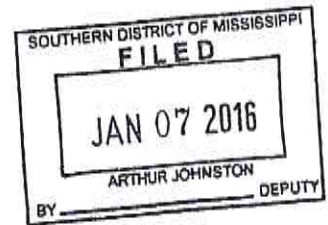


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI



VAUGHN PERRET
CHARLES LEARY
TROUT POINT LODGE, LTD, A Nova
Limited Company

PLAINTIFFS

v.

Civil Action No. 1:15cv716-RHW

DOUGLAS HANDSHOE

DEFENDANT

DEFENDANT'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 *et seq.*, Defendant, Douglas Handshoe, files this Notice of Removal of the Civil Action filed against him by Plaintiffs, Vaughn Perret, Charles Leary and Trout Point Lodge, Ltd, and states as follows.

1. On December 9, 2015, Plaintiffs' filed their Petition to Enroll Foreign Judgment in the lawsuit styled Vaughn Perret, Charles Leary and Trout Point Lodge Ltd, Civil Action No. 15-0458 in the Circuit Court of Hancock County, Mississippi.
2. The Defendant, Douglas Handshoe, was served with notice of such filing on December 10, 2015.
3. Removal is proper under 28 U.S.C. § 1441 and § 4103 because Plaintiffs' suit involves diverse parties and a Federal question. Additionally this court has supplemental jurisdiction as certain of the claims involve claims that were previously decided by this Court in the case styled *Trout Point Lodge et al v Handshoe*. Specifically, Plaintiffs have alleged defamation via Internet by Defendant in securing rendition of foreign judgments¹

¹ Plaintiffs, with the assistance of Nova Scotia Supreme Court and over the objection of defendant Handshoe, essentially bifurcated an amended Civil Action post judgment between the defamation torts Plaintiffs' had



against Defendant in the Supreme Court of Nova Scotia, Canada on or about February 26, 2014 in the civil action styled Trout Point Lodge Ltd., Charles Leary & Vaughn Perret v Douglas Handshoe reasserting claims previously before both the Nova Scotia Courts and this Court.² Additionally, the subject of the enforceability of the exact Canadian Judgement is currently before this Court pursuant to the SPEECH Act of 2010 in the case styled *Handshoe v Perret et al*, Civil Action number 1:15cv382-HSO-JCG filed November 16, 2015.

4. Venue is proper in this district under 28 U.S.C. § 1441 (a) because the State Court where the action has been pending is located in this district.
5. This Notice is being filed with this Court within Thirty (30) days after Defendant received a copy of the Plaintiffs' initial pleading, Petition to Enroll Foreign Judgment.
6. Defendant would further show that true and correct copies of all process, pleadings and orders filed to date in the above State Court action served upon Defendant on December 10, 2015 are attached hereto as Exhibit "A"; and that no other process, pleadings or orders have been served upon Defendant to date in this action.
7. Defendant files this Notice without waiving any defenses to the claims asserted by Plaintiff or conceding that Plaintiffs' above described foreign judgment can be enrolled or enforced.
8. Defendant is filing contemporaneously with this Notice, a Notice of Filing Notice of Removal with the Clerk of the Circuit Court of Hancock County, Mississippi, informing

previously successfully argued in Nova Scotia were integral to the copyright torts alleged in their amended action. Plaintiffs now attempt to enroll only a portion of the whole in an attempt to defeat the requirements of 28 U.S.C. §§ 4101 et seq.

² The Copyrights purportedly belonging to the Ashoka Foundation being a part of both sets of proceedings.

the Honorable Clerk that this action is being removed. A copy of said Notice of Filing Notice of removal is attached as Exhibit "B".

Defendant prays that this Court take jurisdiction of this action to its conclusion, to the exclusion of any further proceedings in the State Court in accordance with the law. Defendant also prays for such other and further relief to which he may be justly entitled.

Respectfully submitted this 7th day of January,
2016,



G. GERALD CRUTHIRD
Of Counsel for the Defendant Douglas Handshoe
Attorney At Law
Post Office Box 1056
Picayune, MS 39466
Telephone: (601) 798-0220
Mississippi Bar No. 7920

CERTIFICATE OF SERVICE

I, G. Gerald Cruthird, certify I have sent a true and correct copy of the foregoing Notice of Removal to the following via United States Mail:

Kenneth O'Cain, Esq.
567 Highway 51, Suite C
Ridgeland, MS 39157
Attorney for Plaintiffs

I, G. Gerald Cruthird, certify I have hand delivered a true and correct copy unto:

Honorable Karen Ladner Ruhr
Circuit Clerk of Hancock County, Mississippi
152 Main Street, Suite B
Bay St Louis, MS 39520

Respectfully submitted this 7th day of January,
2016,



G. GERALD CRUTHIRD
Of Counsel for the Defendant Douglas Handshoe
Attorney At Law
Post Office Box 1056
Picayune, MS 39466
Telephone: (601) 798-0220
Mississippi Bar No. 7920

IN THE CIRCUIT COURT OF HANCOCK COUNTY, MISSISSIPPI

Trout Point Lodge, LTD
Charles Leary
Vaughn Perret
VERSUS
Douglas K. Handshoe

CAUSE NO. 15-0458

CLERK'S NOTICE OF FILING OF FOREIGN JUDGMENT

COMES NOW Judgment Creditor, Trout Point Lodge
Charles Leary
Vaughn Perret, and

files this its' Notice of filing Foreign Judgment as follows:

1. The name and address of the Judgment Creditor is Trout Point Lodge
Charles Leary
Vaughn Perret
2. The name and address of the Judgment Creditor's Attorney in the State of Mississippi is Kenneth T O'cain
3. A true and accurate copy of the Judgment in favor of Trout Point Lodge,
Charles Leary, Vaughn Perret
is attached; and
4. The name and address of the Judgment Debtor is: Douglas Handshoe
Po Box 788 Wiggins, MS 39577

This the 9th day of Dec 2015

Karen Ladner Ruhr
Circuit Clerk
Hancock County, Mississippi

By



D.C.



15-0458
FILED

DEC 09 2015

KAREN LADNER RUHR
CIRCUIT CLERK HANCOCK CO.
BY [Signature] D.C.

AFFIDAVIT OF KENNETH T. O'CAIN

STATE OF MISSISSIPPI
COUNTY OF MADISON

THIS DAY personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named KENNETH T. O'CAIN, who, after being duly sworn, did state on his oath the following, to-wit:

1. My name is Kenneth T. O'Cain, and I represent the judgment creditors, Vaughn Perret, Charles Leary and Trout Point Lodge Limited.
2. That pursuant to § 11-7-305 of the Miss. Code of 1972, based upon information and belief, that the name and last known post office address of the judgment debtor herein is, Douglas Handshoe, Post Office Box 788 Wiggins, Mississippi 39577 AND 214 Corinth Drive, Bay St. Louis, Mississippi 39520; and the name and last known post office address of the judgment creditors is 189 Troutpoint Road, East Kemptville, NS B5A 5X9.

FURTHER Affiant sayeth not

[Signature: Kenneth T. O'Cain]
Kenneth T. O'Cain

SWORN TO AND SUBSCRIBED BEFORE ME, on this the 30th day of November, 2015.

[Signature: Jamie W. Ables]
NOTARY PUBLIC

MY COMMISSION EXPIRES:

Feb 16, 2018



FILED

DEC 09 2015

15-0458

SUPREME COURT OF NOVA SCOTIA
CERTIFICATEKAREN LADNER RUHR
CIRCUIT CLERK, HANCOCK CO.
BY [Signature] D.C.

I, Caroline McInnes, Prothonotary (chief court clerk) of the Supreme Court of Nova Scotia, Canada, do certify that the following constitutes a true and correct copy and a literal transcript of the Order regarding damages for copyright infringement of Supreme Court Justice Kevin Coady in the matter of Trout Point Lodge, Limited, Charles Leary, and Vaughn Perret versus Douglas K. Handshoe, No. 411345, dated February 26, 2014, and initialled by Justice Coady, as the same now appears on file in my office of record.

AND I FURTHER CERTIFY that said Supreme Court of Nova Scotia is a court of record with an official seal, and that I as Prothonotary of Said Supreme Court of Nova Scotia, am the custodian of records and of the seal of Said Court.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed the seal of this said Court, at the city of Halifax, Nova Scotia, on this 19th day of November in the year of our lord two-thousand and fifteen.

[Signature] (sign)
Caroline McInnes (print)
PROTHONOTARY OF THE
SUPREME COURT OF NOVA SCOTIA

PROVINCE OF NOVA SCOTIA

I, Kevin Coady, a Justice of the Supreme Court of Nova Scotia, do hereby certify that Caroline McInnes (Prothonotary) who's true signature appears to the forgoing Certificate is now and was at the date of said Certificate, the Prothonotary (chief court clerk) of the Supreme Court of Nova Scotia, duly qualified according to law and that her said Certificate is in due form of law; that the seal hereto attached is the genuine seal of said Supreme Court of Nova Scotia, and that Said Court is a Court of Record.

Witness my signature, this 19 day of November A.D. 2015

[Signature]
JUSTICE KEVIN COADY

SUPREME COURT OF NOVA SCOTIA

I, Caroline McInnes, Prothonotary of the Supreme Court of Nova Scotia, do hereby certify that Justice Coady, who's signature appears to the annexed and foregoing attestation, is now and was at the date of said Certificate, a Justice of the Supreme Court of Nova Scotia, duly appointed by lawful authority and legally qualified, and that the Certificate and Attestation are in due form of law, and that the Supreme Court of Nova Scotia is the highest trial court in the Province of Nova Scotia and a Court of Record.

[Signature] (sign)
Caroline McInnes (print)
PROTHONOTARY OF THE
SUPREME COURT OF NOVA SCOTIA

2013

15-0458
Hfx No. 411245
FILED

SUPREME COURT OF NOVA SCOTIA

BETWEEN:

DEC 09 2015

Trout Point Lodge Ltd., Charles Leary & Vaughn Perret

KAREN LADNER RUHR
CIRCUIT CLERK, HANCOCK CO.
BY _____ D.C.

Plaintiff

- and -

Douglas K. Handshoe

Defendant



ORDER

BEFORE THE HONOURABLE JUSTICE KEVIN COADY:

WHEREAS the Court is satisfied that the Defendant Douglas K. Handshoe was personally served with notice of this action;

AND WHEREAS the Defendant Douglas K. Handshoe filed a Demand for Notice and did not file a Defence to this action;


AND WHEREAS the Court is satisfied that the Defendant Douglas K. Handshoe received notice of this assessment of damages;

AND AFTER HAVING REVIEWED the Plaintiff's evidence, exhibits and submissions and being satisfied that the Defendant Douglas K. Handshoe infringed all three plaintiffs copyright in photographic images throughout 2012 and 2013.

IT IS ORDERED:

1. **THAT** the Defendant Douglas K. Handshoe pay the sum of twenty thousand Canadian dollars (\$20,000) in statutory damages to Charles Leary;
2. **THAT** the Defendant Douglas K. Handshoe pay the sum of forty thousand Canadian dollars (\$40,000) in statutory damages to Trout Point Lodge Ltd.;
3. **THAT** the Defendant Douglas K. Handshoe pay the sum of twenty thousand Canadian dollars (\$20,000) in statutory damages to Vaughn Perret;
4. **THAT** the Defendant Douglas K. Handshoe pay all the Plaintiffs the sum of one hundred thousand Canadian dollars (\$100,000) in punitive damages.

DATED at Halifax, Nova Scotia, this 26th day of February, 2014.


Prothonotary

O'CAIN LAW FIRM, PLLC

KENNETH T. O'CAIN, ESQ.
567 HIGHWAY 51
SUITE C
RIDGELAND, MISSISSIPPI 39157

TELEPHONE: 601-332-0990
EMAIL: KTO@OCAINLAW.COM

December 7, 2015

FILED

DEC 09 2015

15-0458

Karen Ladner Ruhr
Hancock County Circuit Clerk
152 Main Street, Ste. B
Bay St. Louis 39520

KAREN LADNER RUHR
CIRCUIT CLERK, HANCOCK CO.
BY [Signature] D.C.

Re: *Perret, et. al v. Handshoe*, In the Circuit Court of Hancock County,
Mississippi, Civil Action No.: _____

Dear Ms. Ruhr:

Enclosed please find Plaintiff's Civil Cover Sheet and filing fee in the amount of \$161.00. Also enclosed please find the original and one copy of the following for filing:

1. Affidavit of Filing Foreign Judgment;
2. Certified Copy of Final Judgment for Plaintiffs as issued by the captioned Court.

Please file same in the manner prescribed by Miss. Code Ann. § 11-7-305 (1972), as amended, and return the filed copy of the enclosed documents to my attention in the enclosed, postage prepaid envelope. I would also request that you mail notice to the judgment debtor at the address provided and make note of such in your docket in accordance with this statute. Thank you for your attention to this matter.

Very truly yours,

[Signature]

Kenneth T. O'Cain

Enclosures

COVER SHEET Civil Case Filing Form (To be completed by Attorney/Party Prior to Filing of Pleading)		Court Identification Docket #		Case Year	Docket Number
		23	1	CI	2015
		County #	Judicial District	Court ID (CH, CI, CO)	Local Docket ID
		720915			
Mississippi Supreme Court Administrative Office of Courts		Form AOC/01 (Rev 2009)		Case Number: If filed prior to 1/1/94	
In the <u>CIRCUIT</u>		Court of <u>HANCOCK</u>		County —	Judicial District
Origin of Suit (Place an "X" in one box only) <input type="checkbox"/> Initial Filing <input type="checkbox"/> Reinstated <input checked="" type="checkbox"/> Foreign Judgment Enrolled <input type="checkbox"/> Transfer from Other court <input type="checkbox"/> Other <input type="checkbox"/> Remanded <input type="checkbox"/> Reopened <input type="checkbox"/> Joining Suit/Action <input type="checkbox"/> Appeal					
Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form					
Individual Last Name _____ First Name _____ Maiden Name, if applicable _____ M.I. _____ Jr/Sr/III/IV _____ Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: _____ Estate of _____ Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: _____ D/B/A or Agency _____					
Business <u>Trout Point Lodge, Ltd</u> Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated _____ Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: _____ D/B/A _____					
Address of Plaintiff <u>189 Trout Point Road, East Kemptville, NS B5A 5X9</u>					
Attorney (Name & Address) <u>Kenneth T. O'Connell, 567 Highway 51, Ste C, Ridgeland, MS 39157</u> MS Bar No. <u>101124</u>					
Check (x) if Individual Filing Initial Pleading is NOT an attorney Signature of Individual Filing: <u>K.T.O.</u>					
Defendant - Name of Defendant - Enter Additional Defendants on Separate Form					
Individual <u>Handshoe</u> Last Name _____ First Name <u>Douglas</u> Maiden Name, if applicable _____ M.I. _____ Jr/Sr/III/IV _____ Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: _____ Estate of _____ Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: _____ D/B/A or Agency _____					
Business Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated _____ Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below: _____ D/B/A _____					
Attorney (Name & Address) - If Known _____ MS Bar No. _____					
Damages Sought: Compensatory \$ _____ Punitive \$ _____ Check (x) if child support is contemplated as an issue in this suit.* *If checked, please submit completed Child Support Information Sheet with this Cover Sheet					
Nature of Suit (Place an "X" in one box only)					
<input checked="" type="checkbox"/> Domestic Relations <input type="checkbox"/> Child Custody/Visitation <input type="checkbox"/> Child Support <input type="checkbox"/> Contempt <input type="checkbox"/> Divorce: Fault <input type="checkbox"/> Divorce: Irreconcilable Diff. <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Emancipation <input type="checkbox"/> Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Property Division <input type="checkbox"/> Separate Maintenance <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> UIFSA (eff 7/1/97; formerly URESA) <input type="checkbox"/> Other _____		<input checked="" type="checkbox"/> Business/Commercial <input type="checkbox"/> Accounting (Business) <input type="checkbox"/> Business Dissolution <input type="checkbox"/> Debt Collection <input type="checkbox"/> Employment <input checked="" type="checkbox"/> Foreign Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Replevin <input type="checkbox"/> Other _____		<input checked="" type="checkbox"/> Children/Minors - Non-Domestic <input type="checkbox"/> Adoption - Contested <input type="checkbox"/> Adoption - Uncontested <input type="checkbox"/> Consent to Abortion Minor <input type="checkbox"/> Removal of Minority <input type="checkbox"/> Other _____ <input type="checkbox"/> Civil Rights <input type="checkbox"/> Elections <input type="checkbox"/> Expungement <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Post Conviction Relief/Prisoner <input type="checkbox"/> Other _____	
<input type="checkbox"/> Administrative Agency <input type="checkbox"/> County Court <input type="checkbox"/> Hardship Petition (Driver License) <input type="checkbox"/> Justice Court <input type="checkbox"/> MS Dept Employment Security <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other _____		<input type="checkbox"/> Probate <input type="checkbox"/> Accounting (Probate) <input type="checkbox"/> Birth Certificate Correction <input type="checkbox"/> Commitment <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Heirship <input type="checkbox"/> Intestate Estate <input type="checkbox"/> Minor's Settlement <input type="checkbox"/> Muniment of Title <input type="checkbox"/> Name Change <input type="checkbox"/> Testate Estate <input type="checkbox"/> Will Contest <input type="checkbox"/> Other _____		<input type="checkbox"/> Contract <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Installment Contract <input type="checkbox"/> Insurance <input type="checkbox"/> Specific Performance <input type="checkbox"/> Other _____ <input type="checkbox"/> Statutes/Rules <input type="checkbox"/> Bond Validation <input type="checkbox"/> Civil Forfeiture <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction or Restraining Order <input type="checkbox"/> Other _____	
				<input type="checkbox"/> Real Property <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Eviction <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Lien Assertion <input type="checkbox"/> Partition <input type="checkbox"/> Tax Sale: Confirm/Cancel <input type="checkbox"/> Title Boundary or Easement <input type="checkbox"/> Other _____	
				<input type="checkbox"/> Torts <input type="checkbox"/> Bad Faith <input type="checkbox"/> Fraud <input type="checkbox"/> Loss of Consortium <input type="checkbox"/> Malpractice - Legal <input type="checkbox"/> Malpractice - Medical <input type="checkbox"/> Mass Tort <input type="checkbox"/> Negligence - General <input type="checkbox"/> Negligence - Motor Vehicle <input type="checkbox"/> Product Liability <input type="checkbox"/> Subrogation <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Other _____	

IN THE CIRCUIT COURT OF HANCOCK COUNTY, MISSISSIPPI
JUDICIAL DISTRICT, CITY OF

Docket No. _____ Docket No. If Filed
 File Yr _____ Chronological No. _____ Clerk's Local ID _____ Prior to 1/1/94 _____

**PLAINTIFFS IN REFERENCED CAUSE - Page 1 of _____ Plaintiffs Pages
 IN ADDITION TO PLAINTIFF SHOWN ON CIVIL CASE FILING FORM COVER SHEET**

Plaintiff #2:

Individual: Perret Vaughn (_____) JRS/MLW
 Last Name First Name Maiden Name, if Applicable Middle Init.

Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
 Estate of _____

Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:
 D/B/A _____

Business _____ Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the name above, and enter below:
 D/B/A _____

ATTORNEY FOR THIS PLAINTIFF: _____ Bar # or Name: Kenneth T. O'Cain-101124 Pro Hac Vice (✓) Not an Attorney(✓) _____

Plaintiff #3:

Individual: Leary Charles (_____) JRS/MLW
 Last Name First Name Maiden Name, if Applicable Middle Init.

Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
 Estate of _____

Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:
 D/B/A _____

Business _____ Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the name above, and enter below:
 D/B/A _____

ATTORNEY FOR THIS PLAINTIFF: _____ Bar # or Name: Kenneth T. O'Cain-101124 Pro Hac Vice (✓) Not an Attorney(✓) _____

Plaintiff #4:

Individual: _____ (_____) JRS/MLW
 Last Name First Name Maiden Name, if Applicable Middle Init.

Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
 Estate of _____

Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:
 D/B/A _____

Business _____ Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the name above, and enter below:
 D/B/A _____

ATTORNEY FOR THIS PLAINTIFF: _____ Bar # or Name: _____ Pro Hac Vice (✓) Not an Attorney(✓) _____

FEE BILL, CIVIL CASES, CIRCUIT COURT

State of Mississippi
Hancock County

TROUT POINT LODGE, CHARLES LEARY, VAUGHN VS HANDSHOE, DOUGLA

Case # 15-0458	Acct #	Paid By CHECK 1199	Rct# 29337
		CLERK'S FEES	85.00
		JURY TAX	3.00
		COURT REPORTERS FEE	10.00
		LAW LIBRARY	2.50
		COURT ADMINISTRATOR	2.00
		STATE CT ED FUND	.50
		COURT CONSTITUENTS	10.00
		ELECTRONIC COURT	5.00
		LEGAL ASSISTANCE	40.00
		JUDICIAL FUND-JUDGE RAISE	1.00
		ARCHIVE FEE	

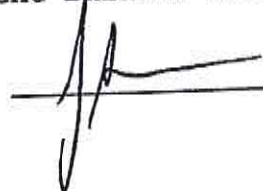
Total \$ 161.00

Payment received from Kenneth T. O'Cain
725 Avignon Drive
PO Box 13847

Jackson MS 39236 3847

Transaction 33705 Received 12/ 9/2015 at 13: 1 Drawer 1 I.D. JASON

Current Balance Due \$0.00 Receipt Amount \$ 161.00

By  D.C. Karen Ladner Ruhr, Circuit Clerk

Case # 15-0458	Acct #	Paid By CHECK 1199	Rct# 29337
----------------	--------	--------------------	------------